PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	Docket No: A8973
Guyton P. SWINDELL, et al.	
Appln. No.: 10/607,646	Group Art Unit: 3729
Confirmation No.: 2684	Examiner: Thiem D. PHAN
Filed: June 27, 2003	

For: APPARATUS AND METHOD FOR TAUT SHEATH SPLICING OF ALL-DIELECTRIC, SELF-SUPPORTING FIBER OPTIC CABLE

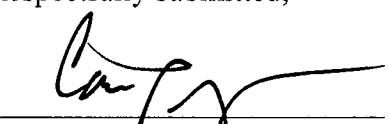
SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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Respectfully submitted,



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Date: February 29, 2008

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party in interest in this appeal is AFL TELECOMMUNICATIONS LLC. Assignment of the application to ALCOA FUJIKURA LIMITED was submitted to the U.S. Patent and Trademark Office on August 8, 2003, and recorded on the same date at Reel 014434 Frame 0816. The application was then assigned to AFL TELECOMMUNICATIONS LLC on August 31, 2005, and recorded on the same date at Reel 016675 Frame 0558.

II. RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 6-10 and 12 stand finally rejected under 35 U.S.C. § 103(a) as being anticipated by Smith et al. (U.S. Patent No. 5,696,864) in view of Forrester (U.S. Patent No. 5,867,624).

Claim 11 stands finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. in view of Forrester et al. and further in view of Applicants' Admitted Prior Art (AAPA).

The rejections of claims 6-12 are being appeal.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the final rejection.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention relates an apparatus for splicing fiber optic cable, and more specifically, to apparatus for splicing all-dielectric, self-supporting (ADSS) fiber optic cable. [0001].

This invention provides an apparatus and method for splicing all-dielectric, self-supporting fiber optic cable. Referring to the drawings, FIG. 1 is a pictorial representation of an apparatus 10 constructed in accordance with this invention. The apparatus includes a wedge type clamp 12 for gripping a first fiber optic cable 14, which may be a feeder cable. A bail 16 is provided for connecting the clamp to a support structure 18 using a guy attachment 20. The clamp 12 and bail 16 form a deadend assembly 22. A splice closure 24 is connected to the bail 16 by a connection means 26 in the form of clamps 28 and 30. The first fiber optic cable 14 extends through the clamp 12 and into a first end of the closure 24. A second fiber optic cable 32 also extends into the first end of the enclosure 24. The taut-sheath splice provides access to specific fibers inside a fiber optic cable without severing the entire cable or requiring a separate wire to support the cable, as tension is removed from the cable during the splicing process. For example, if cable 14 includes numerous fibers, one or more of those fibers can be extracted from cable 14 and spliced to cable 32. Meanwhile, the remaining unsevered fibers in cable 14 continue through the right hand side of the closure in the portion of the cable designated as 34 in FIG. 1. The closure is positioned a sufficient distance from the clamp so that a minimum bend radius can be maintained in the portions of the fiber optic cables 14 and 32 lying between the clamp and the closure. The minimum bend radius is specified on the cable documentation, and

will vary by cable type. The installer would be aware of the bend radius constraints of a particular cable and would position the closure accordingly. [0017].

Cable 32 is a drop cable that is connected to the feeder cable 14 in the splice closure 24. Fiber optic cable 34 can be a section of cable 14 or a separate fiber optic cable that is spliced to cable 14 in the splice closure. [0020]

FIG. 4 is a pictorial representation of the splice closure 24 in combination with a fusion splicer 70 that can be used in an apparatus constructed in accordance with this invention. The fusion splicer 70 is supported by a tray 72 that can be connected to the bail by a connection means 74. The fusion splicer, tray, and connection means form an aerial splicing workstation. [0022]

The subject matter of each of the independent claims, with reference to the specification and figures, is identified below.

Claim 6. A method of splicing a fiber optic cable (14) comprising:

applying a clamp (12) to a first portion of a self-supporting first fiber optic cable (14) [0017];

using a bail (16) to connect the clamp (12) to a support structure (18) [0017];

connecting a splice closure (24) to the bail (16) [0017];

connecting an aerial splicing platform (70, 72, 74) to the bail (16) [0022]; and

splicing a second portion of the self-supporting first fiber optic cable (14) to a second fiber optic cable in the splice closure [0020];

wherein said self-supporting first fiber optic cable does not pass through said bail.

12. A method of splicing a fiber optic cable (14) comprising:

applying a clamp (12) to a first portion of a self-supporting first fiber optic cable (14) [0017];

using a bail (16) to connect the clamp (12) to a support structure (18) [0017];

connecting a splice closure (24) to the bail (16) [0017];

connecting an aerial splicing platform (70, 72, 74) to the bail (16) [0022]; and

splicing a second portion of the self-supporting first fiber optic cable (14) to a second fiber optic cable in the splice closure [0020];

wherein said bail (16) is not connected to said self-supporting first fiber optic cable (14).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellant requests that the following rejections be reviewed:

1. Claims 6-10 and 12 stand finally rejected under 35 U.S.C. § 103(a) as being anticipated by Smith et al. (U.S. Patent No. 5,696,864) in view of Forrester (U.S. Patent No. 5,867,624).

2. Claim 11 stands finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. in view of Forrester et al. and further in view of Applicants' Admitted Prior Art (AAPA).

No other grounds of rejection or objection currently are pending.

This appeal is directed to claims 6-12.

VII. ARGUMENT

1. *The rejection of claims 6-10 and 12 under 35 U.S.C. § 103(a) as being anticipated by Smith et al. in view of Forrester*

Appellant respectfully requests the members of the Board to reverse the aforementioned rejection of claims 6-10 and 12 under 35 U.S.C. §103(a) as allegedly being unpatentable over Smith et al. in view of Forrester.

The Examiner has rejected claims 6-10 and 12 under 35 U.S.C. § 103(a) as being anticipated by Smith et al. in view of Forrester. Appellant disagrees with these rejections because the cited references fail to disclose or suggest all of the claim limitations. Specifically, Smith et al. fails to disclose or suggest at least "applying a clamp to a first portion of a self-supporting first fiber optic cable" in claims 6 and 12. In addition, one of skill in the art would not be motivated to combine the teachings of Smith and Forrester to arrive at the claimed invention.

The Examiner asserts that the clamp is cable support 21 and clamp 22, the fiber optic cable is communications cable 18 and the bail is strand 12. However, cable support 21 cannot be the claimed clamp because it is not connected to a bail (or strand 12). Likewise, clamp 22 is not connected to the cable 18. For at least these reasons, Appellant requests that the prior art rejections be withdrawn.

In the Advisory Action, the Examiner states that "the Examiner views the claimed [clamp] limitation in light of the specification and drawings where the clamps (Fig. 1, 28 & 30) are not attached directly to the fiber optic but to the splice or ONU (Fig. 1, 24)." However, the

claimed clamp does not correspond to items 28 and 30. Rather, the claimed clamp corresponds to wedge clamp 12, which is directly connected to both the fiber optic cable and bail.

In addition, as the Examiner concedes, the cable in Smith et al. is supported by a strand 12 (or messenger), and therefore is not a self supporting cable. In order to make up for this deficiency, the Examiner refers to col. 1, lines 9-11 of Forrester for providing the reason to use an ADSS cable, i.e., "strength and application in close proximity to a power line." However, in Smith et al. the communications cable 18 is already right next to the power cable 16. The Examiner then argues that the circuitry of figure 1 of Smith must be isolated from the public, unfiltered, electrical power line to households or industry and that therefore, it would be obvious to apply the ADSS cable around the enclosure without the voltage line needed for an ONU, as taught by Forrester to the method of Smith in order to avoid crosstalk from the electrical power line. ADSS cable is also used in the communications space on a structure and on communications poles with no power facilities, with the primary advantages of faster and lower cost installation versus placing a messenger cable and lashing a cable to the messenger cable. This application of the invention is an application completely unrelated to the rejection provided provided by the Examiner.

However, even if the Examiner is correct about keeping the cable away from the power line, that does not mean that one of skill in the art can eliminate the strand 12, which is used to support the cable.

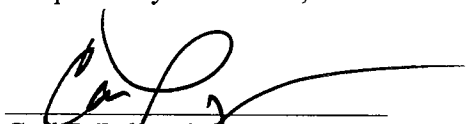
2. ***The rejection of claim 11 under 35 U.S.C. § 103(a) as being anticipated by Smith et al. in view of Forrester and further in view of AAPA***

Appellant respectfully requests the members of the Board to reverse the aforementioned rejection of claim 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over Smith et al. in view of Forrester and further in view of AAPA. Appellant disagrees with these rejections because the cited references fails to disclose or suggest all of the claim limitations for the same reasons as described above in section 1.

The requested fee required under 37 C.F.R. §41.37(a) and 1.17(c) is being paid via EFS filing screen. If any other fees are necessary , please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CLAIMS APPENDIX

CLAIMS 6-12 ON APPEAL:

6. A method of splicing a fiber optic cable comprising:

applying a clamp to a first portion of a self-supporting first fiber optic cable;

using a bail to connect the clamp to a support structure;

connecting a splice closure to the bail;

connecting an aerial splicing platform to the bail; and

splicing a second portion of the self-supporting first fiber optic cable to a second fiber optic cable in the splice closure;

wherein said self-supporting first fiber optic cable does not pass through said bail.

7. The method of claim 6, wherein the splice closure is positioned away from the clamp to maintain a minimum bend radius in the self-supporting first fiber optic cable.

8. The method of claim 6, wherein the self-supporting first fiber optic cable is an all-dielectric, self-supporting (ADSS) fiber optic cable.

9. The method of claim 6, wherein the self-supporting first fiber optic cable comprises:

an ADSS cable including a plurality of optical fibers which can be accessed without severing the self-supporting first fiber optic cable or requiring additional slack in the self-supporting first fiber optic cable to perform a splice.

10. The method of claim 6, wherein splice points or slack coils are not predetermined prior to applying the clamp to a first portion of a said self-supporting first fiber optic cable and using a bail to connect the clamp to a support structure.

11. The method of claim 6, wherein the splicing method is a taut sheath splicing method.

12. A method of splicing a fiber optic cable comprising:

applying a clamp to a first portion of a self-supporting first fiber optic cable;

using a bail to connect the clamp to a support structure;

connecting a splice closure to the bail;

connecting an aerial splicing platform to the bail; and

splicing a second portion of the self-supporting first fiber optic cable to a second fiber optic cable in the splice closure;

wherein said bail is not connected to said self-supporting first fiber optic cable.

EVIDENCE APPENDIX:

This section is not applicable to the instant appeal.

RELATED PROCEEDINGS APPENDIX

This section is not applicable to the instant appeal.